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Merck Sharp & Dohme Corp. and Merck & Co., Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: FOSAMAX (ALENDRONATE
SODIUM): PRODUCTS LIABILITY
LITIGATION**

THIS DOCUMENT RELATES TO:

*Deborahanne Wicher as Executor of the
Estate of Helen H. Wicher v. Merck & Co.,
Inc. and Merck Sharp & Dohme, Corp.*

Civil Action No. 3:12-cv-00964

MDL No. 2243

Civ. Action. No. 08-08 (JAP)(LHG)

**ORDER GRANTING MERCK'S
MOTION TO DISMISS WITH
PREJUDICE FOR FAILURE TO
PROVIDE COMPLETED PLAINTIFF
PROFILE FORM AND
AUTHORIZATIONS FOR RELEASE
OF MEDICAL RECORDS
IN VIOLATION OF CMO NO. 8**

The above matter having been opened to the Court by Fox Rothschild LLP, attorneys for defendants Merck Sharp & Dohme Corp. and Merck & Co., Inc. (collectively, "Merck"), for an Order granting the dismissal with prejudice of the complaint of plaintiff Deborahanne Wicher as Executor of the Estate of Helen H. Wicher ("Plaintiff") for failure to provide a completed Plaintiff Profile Form ("PPF") and Authorizations for Medical Records and other sources of information ("Authorizations"), and the Court having considered the moving papers and the opposition thereto, if any; and

THIS COURT FINDING that Plaintiff failed to comply with the requirements of Case Management Order No. 8; and

THIS COURT FINDING that Plaintiff impeded discovery by failing to provide a completed PPF and Authorizations;

IT IS on this _____ day of _____, 2014,

ORDERED that Merck's motion is hereby **GRANTED**;

IT IS FURTHER ORDERED that Plaintiff's Complaint, relating to Civil Action No. 12-cv-00964, be and is hereby **DISMISSED** with prejudice; and

IT IS FURTHER ORDERED that each party is to bear its own costs.

Hon. Joel A. Pisano, U.S.D.J.